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असाधारण

EXTRAORDINARY

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PART II — Section 2

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on 19th December, 2003:—

I

BILL NO. L OF 2003

A Bill to provide for the formulation of National Scheme by the Central Government to make available drinking water in every urban area and village throughout the country with special attention towards desert and drought prone areas and for matters connected therewith.

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

1. This Act may be called the National Drinking Water Scheme Act, 2003.

Short title.

2. In the Act unless the context otherwise requires,—

Definitions.

(a) “appropriate Government” means in the case of a State the Government of that State and in other cases the Central Government;

(b) “prescribed” means prescribed by rules made under this Act;

(c) “Scheme” means the National Drinking Water Scheme formulated under section 3.

Formulation
of National
Drinking
Water
Scheme.

3. (1) The Central Government shall frame a Scheme to be known as the "National Drinking Water Scheme" in order to make available adequate drinking water to citizens throughout the country within a time frame.

(2) The Scheme shall, among other things provide for,—

(a) special priority plans for such villages where there is not a single source of drinking water;

(b) safe drinking water facilities in such areas where the available water is saline or contains excess iron elements, fluoride or other toxic or noxious substances or is otherwise not fit for human consumption;

(c) installation of adequate number of handpumps and digging of covered wells in such areas where people use pond water for their drinking, cooking and washing purposes;

(d) special plans for making available drinking water throughout the year in areas which are drought prone particularly in the States of Bihar, Madhya Pradesh, Orissa and Andhra Pradesh;

(e) utilising river waters for drinking purposes; and

(f) such other plans as may be formulated from time to time.

Appropriate
Government
to administer
the Scheme.

4. (1) The Scheme shall be administered by the appropriate Government.

(2) The Central Government shall provide necessary funds for the administration of the Scheme by due appropriation made by Parliament by law in this behalf from time to time.

Power to
make rules.

5. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Water is a necessity for all the living things in this universe. Without it life is no more. We require potable water for our consumption but unfortunately potable water is scarce in most parts of our country despite the fact that nature has gifted us water in abundance in the form of rivers, ponds, seas and underground water reserves. Even the National Capital Territory of Delhi consistently faces acute shortage of drinking water not to talk of far flung rural areas of the country which are generally neglected while formulating the national priorities. There are thousands of villages in the country where there is not a single source of drinking water. Women in such areas have to travel miles away wasting many hours to bring one or two pitchers of drinking water to quench their thirst. Sometimes even this small quantity of water is not easily available.

Then there are some areas where the available water is saline in taste, or contains excess iron elements or fluoride or toxic or noxious substances. In Madhya Pradesh there is a river which is known as "*Khooni Nadi*" in the tribal areas because the water is red in colour because of excessive iron elements in the water. But people are forced to consume that water as there is no other source of water in the area. Similarly crores of people in almost all the States particularly in Madhya Pradesh, Bihar, Orissa, and other parts of the country are forced to consume stagnated pond water infested with dangerous virus and worms which results in various ailments to the people and many of them die prematurely. On the other hand the river water is going waste in the sea. This is due to the wrong policies adopted by the authorities that the drinking water problem continues to persist.

Drinking water is a State subject under the Seventh Schedule to the Constitution but due to the scarcity of funds most of the States have not succeeded in providing potable water to their citizens. It is, therefore, necessary that Central Government must come forward in providing adequate potable water to the citizens which is a necessity for every one. It is, therefore, proposed in this Bill that the Central Government should frame a National Drinking Water Scheme to provide drinking water in every nook and corner of the country and also administer the Scheme. The Union Government has to start the Scheme in a big way to provide drinking water throughout the country with special attention towards area where there is not a single source of water or drought prone areas of the country or such areas where safe drinking water is not available.

Hence this Bill.

SURESH PACHOURI.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the Central Government shall frame a National Drinking Water Scheme to provide potable water throughout the country. The Bill, if enacted and brought into operation will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees Five Thousand Crores per annum will be involved as recurring expenditure.

A sum of rupees Hundred Crores is also likely to be involved as non recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

II

BILL No. LI OF 2003

A Bill to provide for the rehabilitation and financial assistance to the victims of natural calamities such as floods, droughts, cyclones, hailstorms and earthquakes and for matters connected therewith.

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

1.(1) This Act may be called the Victims of Natural Calamities (Rehabilitation and Financial Assistance) Act, 2003.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "Commissioner" means the Commissioner appointed under Section 9;

(b) "Government" means the Central Government;

(c) "natural calamity" includes drought, flood, cyclone, hailstorm, landslide, earthquake or any such eventuality caused by nature;

(d) "prescribed" means prescribed by rules made under this Act;

(e) "victim" means any person who is affected bodily or whose property, livestock, crop, orchard, field or machine and tools have been affected or damaged by any natural calamity.

Financial assistance in case of death.

3. If any person loses his life due to any natural calamity, the Government shall, on an application made in the prescribed form by his surviving next of kin, pay a minimum sum of rupees one lakh as financial assistance to such next of kin of the victim.

Financial relief and medical aid in case of injury.

4. (1) If any person is injured due to any natural calamity, the Government shall give him such financial relief as may be prescribed according to the nature of injury received by him.

(2) In addition to the financial relief referred to in sub-section (1) the victim shall also receive adequate medical aid from the Government for such period as may be prescribed.

Financial assistance for damages to crops.

5. Every person whose standing crops are damaged due to any natural calamity shall, on an application made in the prescribed form, be given adequate financial assistance by the Government in proportion to the loss caused to the crop by the natural calamity.

Provision of housing in case of destruction of house and other immovable properties.

6. (1) The Government shall provide to every family, whose House has been destroyed by natural calamity, a dwelling house preferably at the same place.

(2) If damage has been caused by natural calamity to cultivable or other land of any person the Government shall provide alternative land site to such person within a reasonable distance from his residence.

Financial assistance for loss of livestock.

7. Every person losing his livestock due to natural calamity shall, on an application made on the prescribed form, be paid adequate financial assistance by the Government.

Job for the dependent of person killed in natural calamity.

8. The Government or the Government of a State or Union Territory Administration, in whose territorial jurisdiction any person loses his life due to a natural calamity, shall provide a suitable job to one of the eligible dependents of the persons killed in the natural calamity.

Commissioner to settle claims and disburse financial assistance.

9. The Government shall, as soon as may be, appoint a Commissioner with such other staff as may be necessary for setting the claims and disbursing the financial assistance to the victims of natural calamity under this Act:

Provided that the financial assistance shall be disbursed, as soon as may be, but not later than three months of the occurrence of the natural calamity.

Savings.

10. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force regulating any of the matters dealt with in this Act.

Power to remove difficulties.

11. If any difficulty arises in giving effect to the provisions of this Act, the Government may make such order or give such direction, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for the removal of such difficulty.

Power to make rules.

12. The Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Our country is prone to various natural calamities such as floods, droughts, storms, hailstorms, cyclones and earthquakes resulting inextensive damage to life and property. Floods are an annual occurrence in Assam, Bihar, U.P., Madhya Pradesh, West Bengal, Tripura and other parts of the country. Droughts are very common and frequent throughout the country. Cyclones cause havoc in the coastal areas whereas storms and hailstorms are very frequent in hilly areas as well as in the nearby plains. Now the earthquakes have also started worrying the nation. The havoc caused by the October 1991 earthquake in the hills of U.P. is fresh in our memory. We have also not forgotten the extensive damage caused by earthquake in the State of Gujarat in the year 2001. As such the natural calamities are some of the causes of our backwardness. It is so because extensive damage is caused by them to standing crops, livestock, cultivable lands, roads, bridges, houses and other property apart from taking away precious human lives. The nation has to divert its resources towards rescue and rehabilitation processes and on repairs and construction of the roads, bridges, fields, buildings, etc. which put a heavy burden on the exchequer. Fortunately, the entire nation rises to face such calamities but the loss caused thereby can never be recovered by any means.

Of course, we cannot stop the occurrence of natural calamities but certainly with our combined efforts we can minimise the miseries of the victims of such natural calamities by providing them with timely financial relief and extending the rehabilitation programmes to them. As usual, the Central Government has to play the main role in this process. At present there is no law which gives automatic relief to the victims of natural calamities. The States remain dependent on Centre for providing relief to the victims. Sometimes delay is caused in rushing relief due to procedural wrangles. Hence it is felt that statutory provision should be made to help the victims of natural calamities instantly. An attempt has been made in this Bill to provide for giving instant relief to the victims of natural calamities.

Hence this Bill.

SURESH PACHOURI.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for financial assistance of one lakh to the next of kin of a person who dies in any natural calamity. Clause 4 provides for medical aid to the victims. Clause 5 provides for financial assistance for damage to standing crops. Similarly clauses 6 and 7 provide for dwelling units and financial assistance for loss of livestock respectively. The Bill, therefore, if enacted, would involve expenditure from the consolidated Fund of India. As the natural calamities can not be predicted, the recurring expenditure that would be involved cannot be calculated, at this stage. But it is estimated that an expenditure of rupees five hundred crores per annum would be involved from the Consolidated Fund of India.

A non-recurring expenditure to the tune of rupees fifty lakhs would also be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As such the matter will related to details only. The delegation of legislative power is of normal character.

III

BILL NO. LII OF 2003

A Bill to prevent the Central and State Governments from prescribing syllabi for the schools and educational institutions containing communal bias or agenda and nominating persons with communal background to the apex bodies connected with education like NCERT, UGC, governing bodies of Universities, Centres promoting art, culture, history, science and such other bodies and interfering in the research and other works of educational bodies and attempts to change the facts relating to history, culture and heritage of the society and for matters connected therewith.

BE it enacted by Parliament in the Fifty-fourth year of the Republic of India as follows:—

1. (1) This Act may be called the Prevention of Communalisation of Education, History, Heritage and Educational Institutions Act, 2003.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means in the case of State, the Government of that State and in other cases, the Central Government;

(b) "educational institutions" include all the educational institutions right from the preparatory level to university level whether run with Government funds or by private individuals or bodies;

(c) "educational bodies" include all the bodies such as Boards, Councils, Registries, Commissions and Academies etc. directly or indirectly connected with education;

(d) "prescribed" means prescribed by rules made under this Act.

Prohibition of prescribing syllabus containing communal material or educational institutions.

3. Notwithstanding anything contained in any other law for the time being in force, no educational body authorised for prescribing syllabus for various classes, courses; and degrees shall approve any syllabus which contains communal bias or agenda or propose to change the historical facts being taught in any educational institutions.

Prohibition of nomination of person with communal background to educational bodies.

4.(1) Notwithstanding anything contained in any other law for the time being in force, no Minister of the appropriate Government shall nominate any person having communal or criminal background to any educational body in any capacity whatsoever, either under his discretionary powers or under any authority conferred upon him by any law for the time being in force.

(2) Any nomination made in contravention of sub-section (1) shall be *void ab-initio*.

Power to confiscate syllabus book having communal bias or agenda.

5. (1) Any book prescribed for the syllabus of any educational institution containing communal bias or agenda or an attempt to change the historical facts therein shall be confiscated by the district administration through the local police and destroyed in such manner as may be prescribed.

(2) The appropriate Government shall withdraw the book from the syllabus which has been confiscated under sub-section (1) with immediate effect.

Prohibition of interfering in the research work and changing historical facts.

6. Notwithstanding anything contained in any other law for the time being in force, no Minister or any authority of the appropriate Government shall, interfere in any research work of any historian or academician in any manner whatsoever nor shall attempt to change the facts of history or culture or heritage of the nation.

Power to make rules.

7. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Ours is a secular country. Against all odds, the secular image of the country has stood the test of the time. Of late there have been attempts to tarnish the secular image of the country by changing some portions of textbooks in schools and colleges and by appointing some controversial persons at various educational, cultural, historical bodies. In order to continue with secularism, the syllabi of schools and colleges should be prescribed in such manner so as to work for its furtherance rather than otherwise. The syllabi should not be altered frequently so as to suit the requirements of one or other political party. The tender minds should not be inflicted with the sword of communalism. In the educational bodies like UGC, NCERT, etc., persons with high repute and respect should be nominated. The persons appointed to represent such bodies should be above political consideration. Similarly, the institutions of culture, history and heritage should reflect the secular image of the country. In these organizations also, the persons appointed should be non-controversial and command respect in the society so that they work in their respective fields without any pressure. Further, there is also a need for prohibition on government agencies to interfere with the work of these institutions.

Hence this Bill.

SURESH PACHOURI.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. The rules will related to matters of details only.

The delegation of legislative power is of normal character.

IV

BILL NO. LXIII OF 2003

A Bill to provide for the care, maintenance and other welfare measures to be undertaken by the Union and State Governments for the needy and neglected senior citizens who cannot maintain themselves or who have been neglected by their children for economic and other compelling reasons and for the care, rehabilitation and welfare measures for the orphan and runaway street children by the State through education and other means and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Needy and Neglected Senior Citizens and Orphans and Runaway Children (Care, Rehabilitation and Welfare) Act, 2003.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “appropriate Government” means in the case of a State the Government of that State and in other cases the Central Government;

(b) “child” means a boy or girl who is below the age of eighteen years;

(c) “prescribed” means prescribed by rules made under this Act;

(d) “runaway child” means a child who has run away from the house of his parents for whatever reasons and uncared for;

(e) “senior citizen” means a citizen who has attained the age of sixty years or more.

3. (1) Notwithstanding anything contained in any other law for the time being in force, no person shall neglect or refuse to maintain his old parents who are unable to maintain themselves:

Compulsory maintenance of old parents by children and of the needy and neglected senior citizens by the State.

Provided that where the economic condition of the person is so bad that he can in no way maintain and take care of his parents, he shall be exempted from doing so in such manner as may be prescribed.

(2) It shall be the duty of the State to take care, maintain and rehabilitate the needy, neglected, physically challenged and indigent senior citizens and undertake various welfare measures for them in such manner as may be prescribed.

4. (1) The appropriate Government shall maintain a district-wise register of all orphans and runaway street children.

Register of runaway street children and orphans and provision of shelter and other amenities for them.

(2) The register shall be maintained in such manner and shall contain such information as may be prescribed.

(3) It shall be the duty of the appropriate Government to establish such number of shelters as it may deem necessary for board and lodging of the orphan and runaway street children free of cost.

(4) The facilities in these shelters shall be such as may be prescribed.

(5) The appropriate Government shall open sufficient number of schools and technical education institutes for the purposes of this Act in order to provide free of cost education to the children covered under this Act.

5. (1) There shall be constituted by the Central Government a fund to be known as “the Senior Citizens and Orphan and Street Children Welfare Fund” to carry out the purposes of this Act.

Constitution of senior citizens and orphan and Street Children Welfare Fund.

(2) The fund shall consist of the sums paid into it by Central and State Governments, or donations received from Corporate world, individuals or from international agencies.

6. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

We, in India have always been proud of our culture. Paying respect to the old and taking care of the young has been part of our traditions. But in the changing times due to various influences, these values are being lost. Some people have begun to believe that it is not their duty to look after their parents when they get old. They, therefore, put them in old age homes. Many children who feel neglected runaway from their homes to find themselves finally on the streets and they often end up as criminals. Senior citizens who have suffered neglect at the hands of their children often join old age homes and today the number of old age homes is far short of the demand, as a result many neglected old and aged parents are shelterless. The story is not very different in case of orphans and runaway children. They too suffer from neglect and there are not enough shelters available for them. It is our responsibility to ensure welfare of all Indian citizens.

Hence this Bill.

SANTOSH BAGRODIA.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for the purposes of this Bill. The rules relate to matters of details only.

The delegation of legislative power is of a normal character.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that Central Government shall take care, maintain and rehabilitate the needy, neglected, physically challenged and indignant senior citizens and undertake welfare measures. Clause 4 provides for registration of runaway street children and orphans and provision of shelter and other amenities for them. Clause 5 of the Bill entails that Central Government shall constitute "the Senior Citizens and Orphan and Street Children Welfare Fund" to carry out the purposes of the Act.

The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. The recurring and non-recurring expenditure on it cannot be estimated at this stage, but has to be worked out by Central Government while implementing the provisions of the Act.

V

BILL NO. LXX OF 2003

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2003.

(2) It shall come into force at once.

2. After article 24 of the Constitution, the following article shall be inserted namely:—

"24A All citizens, shall have the right to secure adequate means of livelihood."

3. In article 39 of the Constitution clause (a) shall be omitted.

Short title
and com-
mencement.

Insertion of
new article
24A.

Right to
adequate
means of
livelihood.

Amendment
of article 39.

STATEMENT OF OBJECTS AND REASONS

The problem of unemployment in the country is getting critical. Labour laws have become irrelevant in the changed scenario due to new economic policy. The employers pay salary to their employees arbitrarily. The founding fathers of the Constitution, under the Directive Principles of State Policy urged the State to follow such a policy so that every citizen could get employment and equal pay for equal work. The policies are being framed in such a manner that avenues of employment are getting reduced and there is no obligation on the Government to implement the directives concerning employment and pay which are envisaged in the Part IV of the Constitution relating to the, Directive principles of the State Policy. If a provision is made for adequate means of livelihood in Fundamental Rights then it will be inevitable for the State to fulfil the obligations.

Hence this Bill.

ABU ASIM AZMI.

VI

BILL NO. LXXI OF 2003

A Bill further to amend the Salaries and Allowances of Officers of Parliament Act, 1953.

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Salaries and Allowances of Officers of Parliament (Amendment) Act, 2003. Short title and commencement.

(2) It shall come into force at once.

2. In section 7A of the Salaries and Allowances of Officers of Parliament Act, 1953:— Amendment of section 7A of Act 20 of 1953.

(a) For sub-section (1), the following sub-sections shall be substituted namely:—

(1) With effect from the commencement of the Salaries and Allowances of Officers of Parliament (Amendment) Act, 2003, there shall be paid to every person who ceases to hold office as Speaker of the Lok Sabha, either by the expiration of his term of office or by resignation of his office provided that in either case he has held that office for not less than three years, a pension at the rate of fifty per cent of the salary last drawn by him for the remainder of his life: Pension to Speaker and family pension etc. to spouse of Speaker.

Provided that such person shall not be entitled to receive any pension during the period he holds the office of the Prime Minister, a Minister or any other office (including that of the Speaker, Lok Sabha) or becomes a Member of Parliament and is in receipt of salary and allowances which are defrayed out of the Consolidated Fund of India or the Consolidated Fund of State.

(2) The spouse of a person who dies:—

(i) while holding the office of speaker, Lok Sabha, or

(ii) after ceasing to hold the office of Speaker, Lok Sabha either by the expiration of his term or by resignation of his office provided that in either case he has held that office for not less than three years,

shall be paid a family pension at the rate of fifty per cent of the pension as would have been admissible to the Speaker himself on his death or retirement as the case may be.

(b) Sub-sections (2) and (3) shall be renumbered as sub-sections (3) and (4) respectively.

STATEMENT OF OBJECTS AND REASONS

The Salaries and Allowances of Officers of Parliament Act, 1953 was amended by Act 31 of 2002, effective from 03.03.2002, to provide for pension and other facilities to the spouse of the Speaker, Lok Sabha who dies in office. This situation is quite unusual as the retiring Speaker, Lok Sabha who holds an important office in Parliamentary Democracy has not been made eligible to pension otherwise admissible to a retiring Member of Parliament unlike the Vice-President. There is another anomaly as the spouse has been eligible to pension at the rate of fifty per cent of the salary drawn by the Speaker on his death. The general practice in this regard is that this percentage is normally payable to the holder of the office and the spouse is entitled to draw fifty per cent of the pension payable to the holder of the office. Similar provision has been made for the spouse of the Vice-President in the Vice-President's Pension Act 1997. It is, therefore, proposed to provide for pension to the retiring Speaker and his spouse as in the case of Vice-President.

Hence this Bill.

LALIT SURI.

FINANCIAL MEMORANDUM

The Bill if enacted will involve expenditure from the Consolidated Fund of India in respect of giving pension to retiring Speaker and the spouse in case of death of the Speaker. It is likely that it will involve a recurring expenditure of about 5 lakh rupees per year.

No non-recurring expenditure is likely to be involved.

VII

BILL No. LXXII OF 2003

A Bill to provide for the compulsory induction of young retired ex-servicemen into para-military forces to reduce the pension burden of the Union Government towards ex-servicemen and for their proper rehabilitation and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

Short title
and com-
mencement.

1. (1) This Act may be called the Ex-Servicemen (Compulsory Induction into Para-Military Forces After Retiring at an early Age and Miscellaneous Provisions) Act, 2003.

(2) It shall come into force with immediate effect.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means in the case of a State the government of that State and in other cases the Central Government;

(b) "ex-serviceman" means any person who has retired from army, air force and navy, as the case may be;

(c) "para-military forces" include BSF, CRPF, CISF, RPF, SSF, NSG, SPG, ITBP and such other para-military organisations of the Government;

(d) "prescribed" means prescribed by rules made under this Act.

3. (1) Notwithstanding anything contained in any other law for the time being in force, the para-military forces shall compulsorily induct the young ex-servicemen into their establishment to fill up their requirement as per the suitability and in such manner as may be prescribed.

Compulsory induction of young ex-servicemen in the cadre of para-military forces.

(2) While inducting the ex-servicemen the para-military forces shall give due recognition to the rank which the ex-servicemen was holding at the time of his retirement.

4. (1) Notwithstanding anything contained in any other law for the time being in force, all the public sector enterprises including Banks and other Government agencies shall give priority to ex-servicemen in security related jobs in their establishment.

Public Sector Enterprises to employ ex-servicemen for security related jobs.

(2) It shall be obligatory for the public sector enterprises to clear the backlog of vacancies meant for ex-servicemen in their establishment on priority basis.

5. (1) The provisions of this Act and of any rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force other than this Act, but save as aforesaid the provisions of this Act shall be in addition to and not in derogation of any other law for the time being applicable to ex-servicemen.

Overriding effect of the Act.

6. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

In our armed forces, the officers and other personnel particularly in lower cadres retire at a young age and become pensioners. They are trained and disciplined persons. After retirement, their expertise is wasted in the private sector for meagre salary. Most of them, particularly in the hilly areas subsist on their pension. On one hand, para-military forces recruit raw youngmen and spend a lot of money on their training and after their absorption they get salary and other perks. On the other hand, the Government has to bear the burden of pension to be given to the retired personnel of armed forces. Since the personnel of armed forces retire at a very young age, they should be absorbed in para-military forces which have the same working conditions as those of the armed forces. This will give trained personnel to para-military forces and also reduce the pension burden of the Union Government.

Hence this Bill.

KRIPAL PARMAR.

FINANCIAL MEMORANDUM

The Bill, if enacted, will involve expenditure from the Consolidated Fund of India towards salary and allowances of the ex-servicemen inducted into para-military forces. It is not possible to work out the expenditure at this stage. Government will have to assess the expenditure as per requirement.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of power is of normal character.

VIII

BILL NO. LXIX OF 2003

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2003.
2. To article 130 of the Constitution, the following proviso shall be inserted, namely:—

Short title.

Amendment
of article 130.

" Provided that there shall be established a permanent Bench of the Supreme Court at Hyderabad consisting of five judges who shall be nominated from amongst the judges of the Supreme Court by the Chief Justice of India which shall also have appellate jurisdiction over cases decided by any High Court in order to administer justice and exercise control over cases arising in the states of Andhra Pradesh, Karnataka, Kerala, Tamil Nadu, and Union Territory of Pondicherry".

STATEMENT OF OBJECTS AND REASONS

There are at present 28 States and 7 Union Territories. In the last 54 years, workload of the Supreme Court has increased with the result that there are a large number of cases pending in the Supreme Court, and, as such, justice to the people has considerably been delayed. There is a need to establish a permanent Bench of the Supreme Court at Hyderabad to deal with the cases of the Southern States urgently as the people from these states have to travel all the way to New Delhi in connection with their cases. This will also reduce the expenditure to be incurred by the States or individuals who have to spend a lot of money coming from the States to the Supreme Court in Delhi and engage the lawyers and arrange for their stay, etc. in Delhi. It will also reduce the expenditure incurred by States and individuals in filing the cases in the Supreme Court Bench at Hyderabad and also will help in reducing the arrears of the Supreme Court of India. The idea behind this amendment is only to facilitate the work of the Supreme Court of India and not to bifurcate the present Court or reduce its importance.

Hence this Bill.

T. SUBBARAMI REDDY.

FINANCIAL MEMORANDUM

The Bill will involve expenditure from the Consolidated Fund of India in respect of administration of the Supreme Court Bench at Hyderabad. It is likely that it will involve a recurring expenditure of about rupees one crore per year and rupees fifty crore as a non-recurring expenditure.

YOGENDRA NARAIN,
Secretary-General.